

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814  
(916) 322-2214



July 2, 1987

ALL-COUNTY LETTER NO. 87-92

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: COURT ORDERED IMPLEMENTATION INSTRUCTIONS FOR CONCILIATION PROCEDURES  
IN THE REFUGEE CASH ASSISTANCE (RCA) AND REFUGEE DEMONSTRATION (RCA)  
AND REFUGEE DEMONSTRATION PROJECT (RDP) PROGRAMS

On June 26, 1987, the Superior Court of the State of California for the County of Alameda, issued an order in Dang, et al., v. McMahon, et al. The order (see attachment) requires the State Department of Social Services to send an All-County Letter and adopt emergency regulations implementing formal conciliation procedures for RCA and RDP recipients utilizing the AFDC-WIN procedures. This will provide an opportunity to resolve conflicts that result in nonparticipation/noncooperation on the part of the recipient. If the recipient successfully follows his/her conciliation plan, sanctions will not be imposed.

In accordance with the court order, and based upon a June 5, 1987, letter from the Federal Office of Refugee Resettlement authorizing conciliation procedures prior to the imposition of sanctions, the following procedures shall be implemented by CWDs for all recipients of RCA and RDP who are referred for good cause determinations on or after July 1, 1987.

If a recipient fails or refuses to participate/cooperate in the RDP/RCA program as required, a cause determination shall be made by the CWD (MPP 69-208.6). The conciliation begins on the date of the cause determination. If the recipient's failure or refusal is found to be without good cause, the CWD must conciliate the dispute before the recipient is sanctioned. The conciliation rules to follow will be those for AFDC-WIN, set forth in MPP 42-688.5, except as revised herein to take into account the functions of the Central Intake Unit (CIU) or other responsible agency in the RCA and RDP programs. The cause determination and conciliation must be completed by the CWD within 30 calendar days of learning or being advised that the individual has refused to participate/cooperate in the RDP/RCA program. In order to resolve a dispute during conciliation, the CWD may have to coordinate with the CIU or other responsible agency.

Conciliation may be terminated sooner by either the CWD or by the recipient's written request if, at any time, it is apparent to either that the dispute cannot be resolved. The CWD may end the conciliation early if it is apparent that the recipient will not cooperate (e.g., continues to refuse to report to the CIU, and/or training and employment services, or otherwise demonstrates an unwillingness to cooperate), and accordingly must send a timely Notice of Action. The CWD must inform the recipient of the right to terminate the conciliation and to receive assistance from the CWD in preparing the written request.

The CWD must develop a written conciliation plan specifying the actions the recipient must take to demonstrate cooperation with registration, employment, and employment-directed education/training requirements. The recipient has the right to propose an alternate conciliation plan. However, the CWD must make the final decision regarding the terms of the plan. The CWD must give a copy of the plan to the recipient.

If the recipient follows the terms of the conciliation plan, he/she will continue to participate in employment and employment-directed education/training requirements. The CWD must notify the recipient in writing of the successful completion of conciliation.

If the conciliation process is unsuccessful in resolving the conflict, see Section 69-208.7 (Penalties for Failure or Refusal to Comply with the Registration, Employment, and Employment-Directed Education/Training Requirements).

We are currently developing reporting instructions for collecting conciliation data for RDP and RCA recipients. Until these instructions are available, counties are to track the total number of cases for RDP-FG, RDP-U, and RCA in which conciliation is required, the number of cases that are successful in completing conciliation, and the number of RCA cases that are sanctioned due to unsuccessful conciliation (RDP sanction cases are already reported on the RS 16).

If you have any questions regarding this letter, please contact Mr. Don Horel, Refugee Support Management Bureau, at (916) 323-2131.

Sincerely,



ROBERT A. HOREL  
Deputy Director  
Welfare Programs Division

Attachment

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8 Attorneys for Defendants

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 10 IN AND FOR THE COUNTY OF ALAMEDA

|    |                                    |   |              |
|----|------------------------------------|---|--------------|
| 11 | SINH VAN DANG; MOHAMMAD AZAM       | ) | No. 623639-9 |
| 12 | ARGHANDIWAL; BOUNHEING             | ) |              |
| 13 | KHOUNVICHIT; NOK KHUTH; NGERN      | ) | <u>ORDER</u> |
| 14 | SOUKKEO; SARIEM CHET; XAI VANG     | ) |              |
| 15 | XIONG; PHENG VONGNALITH; indivi-   | ) |              |
| 16 | dually and on behalf of all        | ) |              |
| 17 | others similarly situated; CALI-   | ) |              |
| 18 | FORNIA COALITION OF WELFARE RIGHTS | ) |              |
| 19 | ORGANIZATIONS; NANCY FARWELL,      | ) |              |
| 20 |                                    | ) |              |
| 21 | Plaintiffs,                        | ) |              |
| 22 |                                    | ) |              |
| 23 | v.                                 | ) |              |
| 24 |                                    | ) |              |
| 25 | LINDA McMAHON, Director,           | ) |              |
| 26 | California Department of Social    | ) |              |
| 27 | Services; CALIFORNIA DEPARTMENT    | ) |              |
| 28 | OF SOCIAL SERVICES; WALTER         | ) |              |
|    | BARNES, Deputy Director,           | ) |              |
|    | California Department of Social    | ) |              |
|    | Services, Chief, Office of         | ) |              |
|    | Refugee Services; JESSE R. HUFF,   | ) |              |
|    | Director, California Department    | ) |              |
|    | of Finance; CALIFORNIA             | ) |              |
|    | DEPARTMENT OF FINANCE,             | ) |              |
|    |                                    | ) |              |
|    | Defendants.                        | ) |              |

25 The motion for preliminary injunction came on regularly  
 26 for hearing on June 23, 1987. Nettie Hoge, Esq., Brobeck,  
 27 Phleger and Harrison, Robert Rubion, Esq. and Ignatius Bau, Esq.,  
 28 San Francisco Lawyers' Committee for Urban Affairs, appeared on

1 behalf of plaintiffs and Ralph M. Johnson, Deputy Attorney  
2 General, appeared for defendants.

3 The matter having been briefed and the parties having  
4 stipulated to entry of this Order,

5 IT IS ORDERED that the motion for preliminary injunction  
6 is denied contingent upon the following conditions:

7 1. The Department of Social Services shall promulgate  
8 emergency regulations implementing formal conciliation procedures  
9 for refugees who receive resettlement assistance under the  
10 Refugee Cash Assistance ("RCA") and the Refugee Demonstration  
11 Project ("RDP"). These regulations shall utilize conciliation  
12 procedures presently provided in the AFDC-WIN program.

13 2. The Court is advised that the process for adopting  
14 emergency regulations will take approximately two months. The  
15 Department of Social Services shall, therefore, immediately issue  
16 an All County Letter ("ACL") directing all participating counties  
17 to immediately begin providing formal conciliation procedures to  
18 refugees who are participating in the RCA or RDP programs, and  
19 who are referred for sanctions on or after July 1, 1987. The ACL  
20 shall direct counties to utilize the AFDC-WIN procedures.

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3. Plaintiffs' counsel shall be provided opportunity to review and comment upon the ACL and the emergency regulations before they are issued.

DATED: June 26, 1987

HENRY RAMSEY JR.  
JUDGE OF THE SUPERIOR COURT

APPROVED AS TO FORM:

BROBECK, PHLEGER & HARRISON

By Nettie Y. Hoge  
Nettie Y. Hoge

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Sinh Van Dang, et al.

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ATTORNEY GENERAL OF THE  
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